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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/463,929	02/01/2000	DAVE MCLAUGHLIN	07703-268001	6964

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EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/463,929

Applicant(s)

MCLAUGHLIN ET AL.

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright et al. (EPO 0619564, from PCT search report)

Wright et al. shows:

An automated terminal device 20

A "refilling procedure"
(columns 19-20)

"a history of all debiting transactions
is maintained in the master card"
(column 20, lines 18-19, card can be
part of the machine)

A "handshake recognition procedure"
12)

"mutual handshake procedure by
which the card and dispensing
microprocessors can recognize the
other as authorized to execute a
requested transaction." (column 12,
lines 30-33)

Claims recite:

A machine

machine being operable to accept payment by
diminishing the value of credit data stored on
a card.

operable to maintain a record

having a memory storing identification data (column

operable to use the stored data to recognize
a card as a card authorized to transfer the
accumulated value to the card

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Wright et al. shows:

"The card and the value dispensing section therefore can each remain autonomous and protected against counterfeiting or fraudulent use even if the security of the other has been breached." (column 12, lines 17-20)

"The card's MPU must recognize the value dispensing section's microprocessor as valid, and vice versa, in order to execute a transaction." (column 12, lines 14-16)

Because the cards can be changed/ altered so may the "flags" and other memory components.

Expiration dates can be used (column 21, line 18)

Claims recite:

operable to use the identification information to recognize that a card is authorized for the purpose of inhibiting download to prevent transfer.

matching "flags"

alter flags
reset memory locations

flag to prohibit future transfers

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 5, 7, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (EPO 0619564, from PCT search report) in view of Bernstein et al. (EPO 0196192, from PCT search report)

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Wright et al., as explained above, shows all of the limitations of the claims except for the use of a test card.

Berstein et al. teaches a transaction terminal with a supervisory card 20. (page 6) The card allows several "supervisory modes" including for alteration of data stored in the memory 8 and a test mode for verifying proper operation of the unit.

Based on the teaching of Bernstein et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Wright et al. transaction system such that its supervisory card could allow the Bernstein test functions in order to verify proper operation of the unit.

Response to Arguments

Applicant's arguments filed 11/8/04 have been fully considered but they are not persuasive.

Applicant asserts that the reference does not show a machine keeping a record of the accumulated value of payments made. First, applicant only claimed a machine operable of doing this. Second, the examiner stated in the rejection that the master card was being considered to be part of the machine and meets the metes and bounds of the broadly recited claim language.

Applicant asserts that the reference is significantly different from the stop card that can be "recognized" as "authorized for the purpose of inhibiting downloading". The examiner does not concur. First, applicant only claimed a machine operable of doing this. Second, a "stop card" is not claimed and should not be argued. Third, the

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autonomous nature of the card and value dispensing section for security reasons allows the machine to recognize the card as fraudulent and as a result authorizes the prevention of transfer.

Applicant asserts that claims 6 and 11 use a test card, which is not shown in the '564 reference. The examiner concurs. These claims were inadvertently placed in the 102 rejection instead of the 103 rejection. This has been corrected with a non-final office action.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610 or, after 4/13/05 (571)272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael Cuff
February 22, 2005